

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, ) Civil Action No. 0:13-cv-1516  
)  
Plaintiff, ) **COMPLAINT**  
v. ) (Jury Trial Demanded)  
)  
ROYAL TIRE, INC., )  
Defendant. )

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NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, Title I of the Civil Rights Act of 1991, and the Equal Pay Act of 1963, to correct unlawful employment practices on the basis of sex, and to restrain the unlawful payment of wages to employees of one sex at rates less than the rates paid to employees of the opposite sex, and to provide appropriate relief due to Christine Fellman-Wolf, who was adversely affected by such practices.

As alleged with greater particularity in Paragraphs 13-19 below, the plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”) alleges that beginning in January, 2008, and continuing to at least on or about July, 2011, defendant Royal Tire, Inc. (“Royal Tire”) discriminated against Ms. Fellman-Wolf by not paying her the same salary that it paid her male predecessor in the position of Human Resources Director, even though Ms. Fellman-Wolf’s duties were at least equal to her predecessor’s in skill,

effort, and responsibility, and were being performed under the same or similar working conditions. EEOC further alleges that Royal Tire's failure to pay Ms. Fellman-Wolf the amount it had paid to a male was because of her sex, female.

#### JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 ("FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217, to enforce the requirements of the Equal Pay Act of 1963, codified as FLSA § 6(d), 29 U.S.C. § 206(d); and pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-5(f)(1) and (3). This action is also authorized and instituted pursuant to Section 102 of Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The unlawful acts alleged below were committed within the jurisdiction of the United States District Court for the District of Minnesota.

#### PARTIES

3. The plaintiff EEOC is the agency of the United States of America charged with the administration, interpretation and enforcement of the Equal Pay Act and Title VII, and is expressly authorized to bring this action by Sections 16(c) and 17 of the FLSA, 29 U.S.C. 29 U.S.C. §§ 216(c) and 217, as amended by Section 1 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and Public Law 98-532 (1984), 98 Stat. 2705; and by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, defendant Royal Tire, Inc. has continuously been a corporation doing business in the State of Minnesota and has continuously had at least 15 employees.

5. At all relevant times, Royal Tire has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

6. At all relevant times, Royal Tire has acted directly or indirectly as an employer in relation to employees and has continuously been an employer within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

7. At all relevant times, Royal Tire has continuously employed employees engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(b), (i) and (j) of the FLSA, 29 U.S.C. §§ 203(b), (i) and (j).

#### STATEMENT OF TITLE VII CLAIMS

8. More than 30 days prior to the institution of this lawsuit, Christine Fellman-Wolf filed a charge of discrimination with the EEOC alleging violations of Title VII by Royal Tire.

9. On April 25, 2013, the EEOC found reasonable cause to believe that Royal Tire had discriminated against Ms. Fellman-Wolf in violation of Title VII.

10. Also on April 25, 2013, the EEOC invited Royal Tire and Fellman-Wolf to engage in conciliation in an effort to resolve Ms. Fellman-Wolf's claims short of litigation.

11. On June 3, 2013, the EEOC informed Royal Tire that it was unable to secure from Royal Tire a conciliation agreement acceptable to the EEOC.

12. All conditions precedent to the institution of this lawsuit have been fulfilled.

13. Since January, 2008 and continuing to at least July, 2011, Royal Tire engaged in unlawful employment practices at its St. Cloud, Minnesota facility in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a) by not paying Ms. Fellman-Wolf the same salary that it paid her male predecessor in the position of Human Resources Director because of her sex, female, despite her repeated requests for equal pay.

14. The effect of the practices complained of in Paragraph 13 above has been to deprive Ms. Fellman-Wolf of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

15. The unlawful employment practices complained of in Paragraph 13 and 14 above were intentional.

16. The unlawful employment practices complained of in Paragraph 13 and 14 above were done with malice or with reckless indifference to Ms. Fellman-Wolf's federally-protected rights.

STATEMENT OF EQUAL PAY ACT CLAIMS

17. Beginning in January, 2008 and continuing until at least July, 2011, Royal Tire violated Sections 6(d)(1) and 15(a)(2) of the FLSA, 29 U.S.C. §§ 206(d)(1) and 215(a)(2), by not paying Ms. Fellman-Wolf the same salary that it paid her male

predecessor in the position of Human Resources Director at its facility in St. Cloud, Minnesota, even though Ms. Fellman-Wolf's duties were at least equal to her predecessor's in skill, effort, and responsibility, and being performed under the same or similar working conditions.

18. As a result of the acts complained of above, Royal Tire unlawfully withheld, and is continuing to withhold, the payment of wages due to Ms. Fellman-Wolf.

19. The unlawful practices complained of in Paragraphs 17 and 18 above were willful.

**PRAAYER FOR RELIEF**

WHEREFORE, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Royal Tire and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in any employment practices which discriminate on the basis of sex;

B. Grant a permanent injunction enjoining Royal Tire and its officers, successors, and assigns, and all persons in active concert or participation with them, from the unlawful payment of wages to employees of one sex at rates less than the rates paid to employees of the opposite sex;

C. Order Royal Tire to institute and carry out policies, practices, and programs which provide equal employment opportunities for its employees regardless of sex and which eradicate the effects of its past and present unlawful practices;

D. Order Royal Tire to make Ms. Fellman-Wolf whole by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and

other affirmative relief necessary to eradicate the effects of the unlawful employment practice;

E. Order Royal Tire to make Ms. Fellman-Wolf whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraphs 13-16 above, in amounts to be determined at trial;

F. Order Royal Tire to make Ms. Fellman-Wolf whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in Paragraphs 13-16 above, including (but not limited to) emotional pain, humiliation, and inconvenience, in amounts to be determined at trial;

G. Order Royal Tire to pay punitive damages for its malicious and reckless conduct described in Paragraphs 13-16 above, in amounts to be determined at trial;

H. Grant a judgment requiring Royal Tire to pay appropriate back wages in amounts to be determined at trial, an equal sum as liquidated damages, and pre-judgment interest to Ms. Fellman-Wolf, whose wages are being unlawfully withheld as a result of the acts complained of in Paragraphs 17-19 above.

I. Grant such further relief as the Court deems necessary and proper in the public interest; and

J. Award the EEOC its costs in this action.

**JURY TRIAL DEMAND**

The EEOC requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

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EQUAL EMPLOYMENT OPPORTUNITY  
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Dated: June 20, 2013

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Dated: June 20, 2013

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